

Remarks

Applicants respectfully request reconsideration of the present U.S. Patent application as amended herein. Claims 1, 38, 48, 56 and 62 have been amended. Claims 31 and 58 have been canceled. No claims have been added. Thus, claims 1, 30, 32-50, 52-57 and 59-71 are pending.

OATH/DECLARATION

Applicants are in the process of obtaining a substitute declaration in compliance with 37 C.F.R. § 1.67(a) listing the mailing address of each inventor. The substitute declaration will be filed when executed by all inventors.

DRAWINGS

The typographical error in Figure 1 is acknowledged. A corrected Figure 1 is submitted herewith. Accordingly, Applicants request that the objection to the drawings be withdrawn.

CLAIM REJECTIONS - 35 U.S.C. § 103(a)

Claims 1, 43, 44, 55, 56 and 68 were rejected as being unpatentable over the TechShopper article in view of U.S. Patent No. 6,131,087 issued to Luke (*Luke*). For at least the reasons set forth below, Applicants submit that claims 1, 55 and 56 are not rendered obvious by the TechShopper article and *Luke*.

Claim 1 recites the following:

receiving a set of product attributes denoting a customer's desired product configuration and flexibility constraints corresponding to one or

more of the product attributes, wherein *the flexibility constraints indicate a customer-designated priority* for the corresponding one or more flexibility constraints;

automatically transmitting an automatically prepared request for quote (RFQ) to an automatically selected set of sellers, the RFQ including at least a subset of the received set of product attributes and corresponding flexibility constraints; and

notifying the requesting customer upon receipt of quotes in response to the transmitted RFQ.

Thus, Applicants claim using attributes including flexibility constraints corresponding to one or more attributes to transmit an automatically prepared request for quote. *The flexibility constraints indicate a customer-designated priority for the corresponding product attribute.* Claim 55 is drawn to a storage medium storing instructions to perform the method of claim 1. Claim 56 is drawn to a computer system that generates a request for quote including flexibility constraints.

Claims 1, 55 and 56 were rejected as being unpatentable over the previously cited TechShopper article. In response, Applicant maintains the arguments presented in previous responses and adds the following in respectfully traversing the rejection of such claims. While the TechShopper article discloses matching a buyer's needs to available products, the TechShopper article does not teach or suggest use of flexibility constraints associated with the attributes desired by the user.

Luke discloses matching of buyers and seller in an electronic marketplace. See Abstract. *Luke* uses "lower," "preferred" and "upper" *bounds* on attributes to accomplish the match. In contrast, claims 1, 55 and 56 recite flexibility constraints that indicate a customer-designated *priority*. A bound on an attribute is clearly different than a priority

corresponding to an attribute. Therefore, *Luke* does not disclose flexibility constraints as recited in claims 1, 55 and 56.

Thus, the TechShopper article does not disclose or suggest use of flexibility constraints. *Luke* discloses attribute bounds. However, *Luke* does not disclose or suggest flexibility constraints that indicate a priority. Therefore, no combination of the TechShopper article and *Luke* can teach or suggest the invention as claimed in claims 1, 55 and 56.

Claims 43 and 44 depend from claim 1 and claim 68 depends from claim 56. Because dependent claims include the limitations of the claims from which they depend, Applicants submit that claims 43, 44 and 68 are not rendered obvious by the TechShopper article and *Luke* for at least the reasons set forth above.

Claims 32-42, 45, 54, 59-67 were rejected as being unpatentable over the TechShopper article in view of *Luke* and further in view of well-known business practices. Claims 32-42, 45 and 54 depend from claim 1. Claims 59-67 depend from claim 56. Applicant maintains the arguments of past responses traversing the Official Notice of well-known business practices relied upon in the rejection.

Applicant respectfully submits that the practices are not cited as curing and do not, in fact, cure the deficiencies of the TechShopper or *Luke* references with respect to claims 1 or 56. Accordingly, in addition to any independent basis for patentability, claims 32-42, 45, 54, 59-67 are dependent on patentable base claims 1 or 56 and are, in this regard, patentable over the cited references by virtue of at least such dependency.

Therefore, Applicant respectfully requests that the rejection of claims 32-42, 45, 54, 59-67 be withdrawn.

Claims 52, 53 and 71 were rejected as being unpatentable over the TechShopper article in view of *Luke* and further in view of U.S. Patent No. 5,769,207 issued to Walker (*Walker*). In accordance with Applicant's past characterization of *Walker*, Applicant respectfully submits that *Walker* is not cited as curing and does not, in fact, cure the limitations of the TechShopper and "well-known" business practices presented above. Applicant notes that, in addition to any independent basis for patentability of claims 52, 53 and 71, such claims are dependent on otherwise patentable base claims 1 or 56 and are likewise patentable over the cited references by virtue of at least such dependency. Accordingly, Applicant respectfully requests that the rejection of claims 52, 53 and 71 be withdrawn.

Claims 30, 31, 46-50, 57, 58, 69 and 70 were rejected as being unpatentable over the TechShopper article in view of *Luke* and further in view of U.S. Patent No. 4,992,940 issued to Dworkin (*Dworkin*). Claims 31 and 58 have been canceled. Therefore, the rejection of claims 31 and 58 is moot.

In accordance with Applicant's past characterization of *Dworkin*, Applicant respectfully submits that *Dworkin* is not cited as curing and does not, in fact, cure the limitations of the TechShopper and "well-known" business practices presented above. In this regard, Applicant respectfully asserts that claims 1, 55 and 56 remain patentable over the cited TechShopper, conventional business practices, and *Dworkin*.


Applicant notes that, in addition to any independent basis for patentability of claims 30, 46-49, 57, 69 and 70, such claims are dependent on otherwise patentable base claims 1 or 56 and are, likewise, patentable over the cited references by virtue of at least such dependency. Accordingly, Applicant respectfully requests that the rejection of claims 30, 46-49, 57, 69 and 70 be withdrawn.

CONCLUSION

For at least the foregoing reasons, Applicants submit that the rejections have been overcome. Therefore, claims 1, 30, 32-50, 52-57 and 59-71 are in condition for allowance and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application. Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,
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Attachments

Appendix

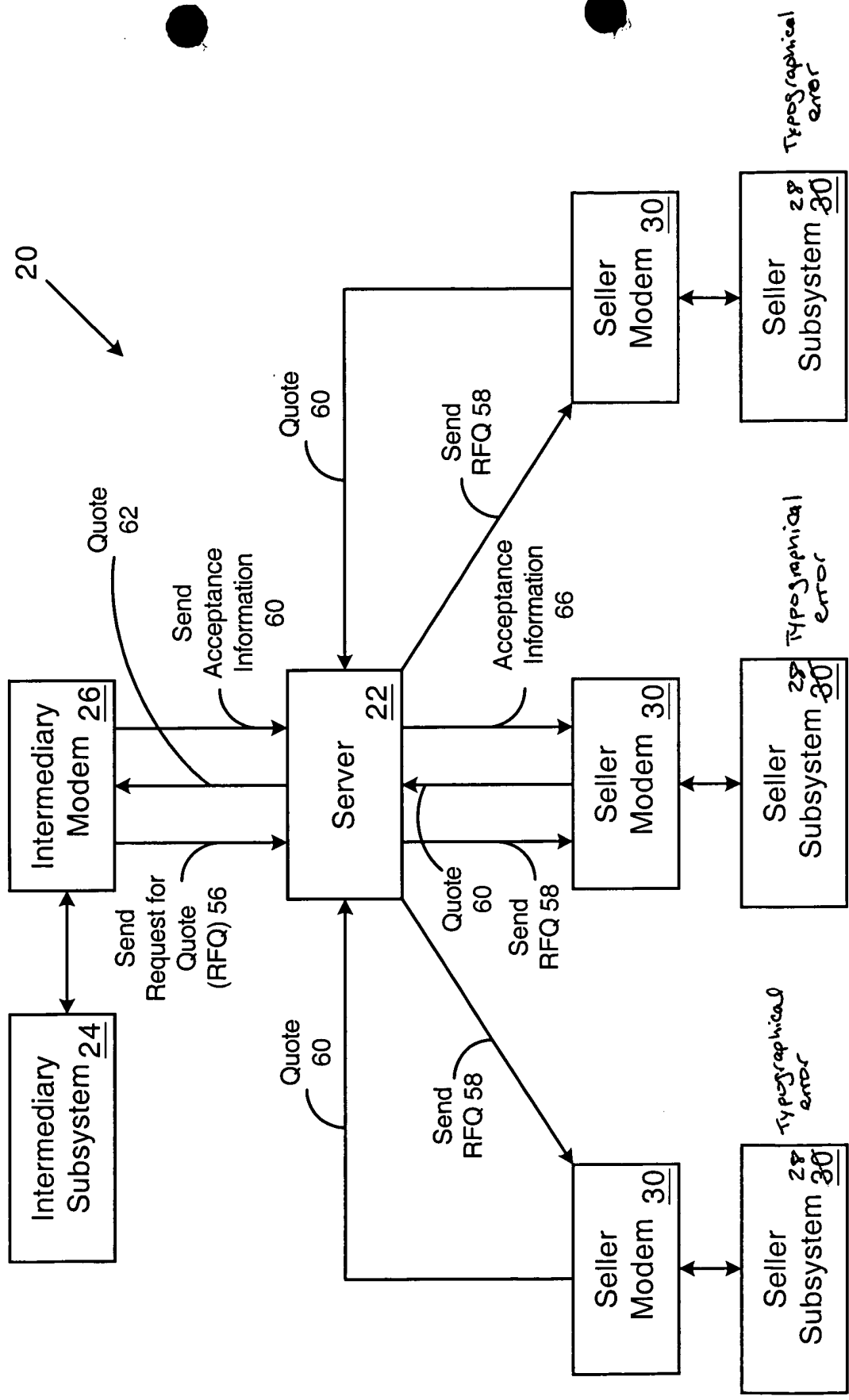


FIG. 1